HOUSE BILL 283

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Nathan P. Small and Mimi Stewart

AN ACT

RELATING TO UTILITIES; INCREASING THE REQUIREMENTS OF THE RENEWABLE PORTFOLIO STANDARD FOR RURAL ELECTRIC COOPERATIVES AND PUBLIC UTILITIES; AMENDING CERTAIN DEFINITIONS IN THE RENEWABLE ENERGY ACT; CHANGING REPORTING REQUIREMENTS ON THE PROCUREMENT OF RENEWABLE ENERGY; CREATING NEW REQUIREMENTS TO TRANSFER RENEWABLE ENERGY CERTIFICATES; ELIMINATING AN EXEMPTION TO THE RENEWABLE PORTFOLIO STANDARD FOR PUBLIC UTILITIES THAT HAVE AN ALL-REQUIREMENTS ELECTRIC SUPPLY ON JULY 1, 2004; CHANGING REQUIREMENTS TO ALLOW THE PUBLIC REGULATION COMMISSION TO REQUIRE A RURAL ELECTRIC COOPERATIVE TO OFFER A PROGRAM FOR PURCHASING RENEWABLE ENERGY; REQUIRING THE HIRING OF CERTAIN APPRENTICES FOR THE CONSTRUCTION OF FACILITIES THAT PRODUCE OR PROVIDE ELECTRICITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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SECTION 1. Section 62-15-34 NMSA 1978 (being Laws 2007, Chapter 4, Section 1, as amended by Laws 2014, Chapter 24, Section 1, and by Laws 2014, Chapter 25, Section 1) is amended to read:

"62-15-34. RENEWABLE PORTFOLIO STANDARD.--

A. Each distribution cooperative organized under the Rural Electric Cooperative Act shall meet the renewable portfolio standard requirements, as provided in this section, to include renewable energy in its electric energy supply portfolio as demonstrated by its retirement of renewable energy certificates. Requirements of the renewable portfolio standard are as follows:

(1) no later than January 1, 2015, renewable energy shall comprise no less than five percent of each distribution cooperative's total retail sales to New Mexico customers;

(2) the renewable portfolio standard shall increase by one percent per year thereafter until January 1, 2020, at which time the renewable portfolio standard shall be ten percent of the distribution cooperative's total retail sales to New Mexico customers;

(3) the renewable portfolio standard shall increase so that renewable energy shall comprise the following percentages of the distribution cooperative's total retail sales to New Mexico:
(a) twenty-five percent by January 1, 2025;
(b) forty percent by January 1, 2030;
(c) fifty-five percent by January 1, 2035;
(d) seventy percent by January 1, 2040;
and
(e) eighty percent by January 1, 2045;

[(3) (4) the renewable portfolio standard of each distribution cooperative shall be diversified as to the type of renewable energy resource, taking into consideration the overall reliability, availability and dispatch flexibility and the cost of the various renewable energy resources made available to the distribution cooperative by its suppliers of electric power; and

[(4) (5) renewable energy resources that are in a distribution cooperative's energy supply portfolio on January 1, 2008 shall be counted in determining compliance with this section.

[B. If a distribution cooperative determines that, in any given year, the cost of renewable energy that would need to be procured or generated for purposes of compliance with the renewable portfolio standard would be greater than the reasonable cost threshold, the distribution cooperative shall not be required to incur that cost, provided that the existence

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of this condition excusing performance in any given year shall not operate to delay any renewable portfolio standard in subsequent years. For purposes of the Rural Electric Cooperative Act, "reasonable cost threshold" means an amount that shall be no greater than one percent of the distribution cooperative's gross receipts from business transacted in New Mexico for the preceding calendar year.

G-1 B. By April 30 of each year, a distribution cooperative shall file with the public regulation commission a report on its purchases and generation of renewable energy during the preceding calendar year. The report shall include the cost of the renewable energy resources purchased and generated by the distribution cooperative to meet the renewable portfolio standard, an explanation of steps taken to minimize those costs, including competitive procurement and comparison of the price of electricity from renewable energy resources in the bids received by the distribution cooperative to recent prices for such electricity elsewhere in the southwestern United States, and an annual compliance plan for meeting the renewable portfolio standard for the following three years.

C. If, in any given year, a distribution cooperative determines that the average annual levelized cost of renewable energy that would need to be procured or generated for purposes of compliance with the renewable portfolio standard would be greater than sixty dollars ($60.00) per
megawatt-hour at the point of interconnection of the renewable energy resource with the transmission system, adjusted for inflation after 2020, the distribution cooperative shall not be required to incur that excess cost; provided that the existence of this condition excusing performance in any given year shall not operate to delay compliance with the renewable portfolio standard in subsequent years. The provisions of this subsection do not preclude a distribution cooperative from accepting a project that would exceed sixty dollars ($60.00) per megawatt-hour.

D. A distribution cooperative shall report to its membership a summary of its purchases and generation of renewable energy during the preceding calendar year."

SECTION 2. Section 62-16-3 NMSA 1978 (being Laws 2004, Chapter 65, Section 3, as amended) is amended to read:

"62-16-3. DEFINITIONS.--As used in the Renewable Energy Act:

A. "commission" means the public regulation commission;

B. "energy storage" means batteries or other means by which energy can be retained and delivered as electricity for use at a later time;

C. "municipality" means a municipal corporation, organized under the laws of the state, and H class counties;
D. "public utility" means an entity certified by the commission to provide retail electric service in New Mexico pursuant to the Public Utility Act but does not include rural electric cooperatives;

E. "reasonable cost threshold" means [the cost established by the commission, above which a public utility shall not be required to add renewable energy to its electric energy supply portfolio pursuant to the renewable portfolio standard] an averaged annual levelized cost of sixty dollars ($60.00) per megawatt-hour at the point of interconnection of the renewable energy resource with the transmission system, adjusted for inflation after 2020;

F. "renewable energy" means electric energy (1) generated by use of low- or zero-emissions generation technology with substantial long-term production potential; and

(2)] generated by use of renewable energy resources [that may include:

(a) solar, wind and geothermal resources;

(b) hydropower facilities brought in service after July 1, 2007;

(e) fuel cells that are not fossil fueled; and

(d) biomass resources, such as
agriculture or animal waste, small diameter timber, salt cedar
and other phreatophyte or woody vegetation removed from river
basins or watersheds in New Mexico, landfill gas and
anaerobically digested waste biomass; but

(3) does not include electric energy generated
by use of fossil fuel or nuclear energy] and delivered to a
public utility;

[F. G] "renewable energy certificate" means a
certificate or other record, in a format approved by the
commission, that represents all the environmental attributes
from one [kilowatt-hour] megawatt-hour of electricity
[generation] generated from [a] renewable energy; [resource]
H. "renewable energy resource" means the following
energy resources, with or without energy storage:

(1) solar, wind and geothermal resources;
(2) hydropower facilities brought in service
after July 1, 2007;
(3) fuel cells that do not use fossil fuels to
create electricity; and
(4) landfill gas and anaerobically digested
waste biogas;

[G. I] "renewable portfolio standard" means the
minimum percentage of retail sales of electricity by a public
utility to electric consumers in New Mexico that is required by
the Renewable Energy Act to be [supplied by] generated from
renewable energy; and

[H.] J. "renewable purchased power agreement" means an agreement that binds an entity generating power from renewable energy resources to provide power at a specified price and binds a public utility to purchase the power at that price."

SECTION 3. Section 62-16-4 NMSA 1978 (being Laws 2004, Chapter 65, Section 4, as amended) is amended to read:

"62-16-4. RENEWABLE PORTFOLIO STANDARD.--

A. A public utility shall meet the renewable portfolio standard requirements, as provided in this section, to include renewable energy in its electric energy supply portfolio as demonstrated by its retirement of renewable energy certificates; provided that the renewable energy is delivered to the public utility. For public utilities other than rural electric cooperatives and municipalities, requirements of the renewable portfolio standard are:

[(1) for public utilities other than rural electric cooperatives and municipalities:

(a) no later than January 1, 2006, renewable energy shall comprise no less than five percent of each public utility's total retail sales to New Mexico customers;

(b) no later than January 1, 2011, renewable energy shall comprise no less than ten percent of

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each public utility's total retail sales to New Mexico customers;

(c) (1) no later than January 1, 2015,
renewable energy shall comprise no less than fifteen percent of each public utility's total retail sales to New Mexico customers; [and

(d) (2) no later than January 1, 2020,
renewable energy shall comprise no less than twenty percent of each public utility's total retail sales to New Mexico customers;

(2) the renewable portfolio standard established by this section shall be reduced, as necessary, to provide for the following specific procurement requirements for nongovernmental customers at a single location or facility, regardless of the number of meters at that location or facility, with consumption exceeding ten million kilowatt-hours per year. On and after January 1, 2006, the kilowatt-hours of renewable energy procured for these customers shall be limited so that the additional cost of the renewable portfolio standard to each customer does not exceed the lower of one percent of that customer's annual electric charges or forty-nine thousand dollars ($49,000). This procurement limit criterion shall increase by one-fifth percent or ten thousand dollars ($10,000) per year until January 1, 2011, when the procurement limit criterion shall remain fixed at the lower of two percent of
that customer's annual electric charges or ninety-nine thousand dollars ($99,000). After January 1, 2012, the commission may adjust the ninety-nine-thousand-dollar ($99,000) limit for inflation. Nothing contained in this paragraph shall be construed as affecting a public utility's right to recover all reasonable costs of complying with the renewable portfolio standard, pursuant to Section 62-16-6 NMSA 1978. The commission may authorize deferred recovery of the costs of complying with the renewable portfolio standard, including carrying charges.

(3) no later than January 1, 2025, renewable energy shall comprise no less than forty percent of each public utility's total retail sales to New Mexico customers;

(4) no later than January 1, 2030, renewable energy shall comprise no less than fifty percent of each public utility's total retail sales to New Mexico customers;

(5) no later than January 1, 2035, renewable energy shall comprise no less than sixty-five percent of each public utility's total retail sales to New Mexico customers;

and

(6) after January 1, 2040 and each year thereafter, renewable energy shall comprise no less than eighty percent of each public utility's total retail sales to New Mexico customers.

(3) B. Any customer that is a political
subdivision of the state, or any educational institution
designated in Article 12, Section 11 of the constitution of New
Mexico with an enrollment of twenty-four thousand students or
more during the fall semester on its main campus, with
consumption exceeding twenty [million kilowatt-hours] thousand
megawatt-hours per year at any single location or facility and
that owns facilities that produce renewable energy [generation]
is exempt from all incremental charges by the utility for
utility-supplied renewable energy procurements in a year,
regardless of the number of customer locations or meters on the
system, if that customer certifies to the state auditor and
notifies the commission and its serving electric utility that
it will [expend two and one-half percent of that year's annual
electricity charges to continue to] develop within twenty-four
months customer-owned facilities that generate renewable energy
[generation] sufficient to meet the percentages required by
Subsection A of this section for the combined total energy
consumption of all of its customer locations and meters. That
customer shall also certify that it will retire all renewable
energy certificates associated with [the energy produced from
that expenditure;]

(4) the renewable portfolio shall be
diversified as to the type of renewable energy resource, taking
into consideration the overall reliability, availability,
dispatch flexibility and cost of the various renewable energy
resources made available by suppliers and generators; the renewable energy produced by those facilities.

(5) Upon a motion or application by a public utility or any other person, the commission shall open a docket to develop and provide financial or other incentives to encourage public utilities to produce or acquire electricity generated from renewable energy that exceeds the applicable annual renewable portfolio standard set forth in this section. [The commission shall initiate rules by June 1, 2008 to implement this subsection; and]

(6) renewable energy resources that are in a public utility's electric energy supply portfolio on July 1, 2004 shall be counted in determining compliance with this section.

B) D. If, in any given year, a public utility [finds] determines that the average annual levelized cost of renewable energy that would need to be procured or generated for purposes of compliance with the renewable portfolio standard would be greater than the reasonable cost threshold [as established by the commission pursuant to this section], the public utility shall not be required to incur that excess cost; provided that the existence of this condition excusing performance in any given year shall not operate to delay [the annual increases in] compliance with
the renewable portfolio standard in subsequent years. The provisions of this subsection do not preclude a public utility from accepting a project that would exceed the reasonable cost threshold. When a public utility can generate or procure renewable energy at or below the reasonable cost threshold, it shall be required to [add renewable energy resources] do so to the extent necessary to meet the applicable renewable portfolio standard [applicable in the year when the renewable energy resources are being added.]

G. By December 31, 2004, the commission shall establish, after notice and hearing, the reasonable cost threshold above which level a public utility shall not be required to add renewable energy to its electric energy supply portfolio pursuant to the renewable portfolio standard. The commission may thereafter modify the reasonable cost threshold as changing circumstances warrant, after notice and hearing. In establishing and modifying the reasonable cost threshold, the commission shall take into account:

(1) the price of renewable energy at the point of sale to the public utility;

(2) the transmission and interconnection costs required for the delivery of renewable energy to retail customers;

(3) the impact of the cost for renewable energy on overall retail customer rates.
(4) the overall diversity, reliability, availability, dispatch flexibility, cost per kilowatt-hour and life-cycle cost on a net present value basis of renewable energy resources available from suppliers; and

(5) other factors, including public benefits, that the commission deems relevant; provided that nothing in the Renewable Energy Act shall be construed to permit regulation by the commission of the production or sale price at the point of production of the renewable energy and shall not be precluded from exceeding the standard.

[D-] E. By September 1, 2007 [and July 1 of each year thereafter until 2022, and thereafter as determined necessary by the commission] and until June 30, 2020, a public utility shall file a report to the commission on its procurement and generation of renewable energy during the prior calendar year and a procurement plan that includes:

(1) the cost of procurement for any new renewable energy resource in the next calendar year required to comply with the renewable portfolio standard; and

(2) testimony and exhibits that demonstrate that the proposed procurement is reasonable as to its terms and conditions considering price, availability, [dispatchability] reliability, any renewable energy certificate values and diversity of the renewable energy resource; or

(3) demonstration that the plan is otherwise
in the public interest.

F. By July 1, 2020, and each July 1 thereafter, a public utility shall file a report to the commission on the public utility's procurement and generation of renewable energy since the last report and a procurement plan made to the commission that includes:

(1) the cost of procurement for new renewable energy required to comply with the renewable portfolio standard;

(2) the capital, operating and fuel costs on a per-megawatt-hour basis during the preceding calendar year of each nonrenewable generation resource rate-based by the utility, or dedicated to the utility through a power purchase agreement of one year or longer, and the nonrenewable generation resources' emissions on a per-megawatt-hour basis during that same year;

(3) testimony and exhibits that demonstrate that the proposed procurement:

(a) was the result of competitive procurement;

(b) has a cost that is reasonable as evidenced by a comprehensive comparison of the price of electricity from renewable energy resources in the bids received by the public utility to recent prices for such electricity elsewhere in the southwestern United States; and
(c) is in the public interest, considering factors such as overall cost and economic development opportunities; and

(4) strategies used to minimize costs of integration, including diversity, balancing area, demand and management.

[E-] G. The commission shall approve or modify a public utility's procurement or transitional procurement plan within ninety days and may approve the plan without a hearing, unless a protest is filed that demonstrates to the commission's reasonable satisfaction that a hearing is necessary. The commission may modify a plan after notice and hearing. The commission may, for good cause, extend the time to approve a procurement plan for an additional ninety days. If the commission does not act within the ninety-day period, the procurement plan is deemed approved.

[F-] H. The commission may reject a procurement or transitional procurement plan if, within forty days of filing, the commission finds that the plan does not contain the required information and, upon the rejection, may suspend the public utility's obligation to procure additional resources for shall provide the public utility the time necessary to file a revised plan; provided that the total amount of renewable energy required to be procured by the public utility shall not change.
G. A public utility may file a transitional procurement plan requesting that the commission determine that the costs of renewable energy resources that the public utility has committed to, or may commit to, prior to the commission's establishing a reasonable cost threshold, are reasonable and recoverable pursuant to Section 62-16-6 NMSA 1978. The requirements of annual procurement plan filings shall be applicable to any transitional procurement plan filing pursuant to this section.

H. The commission shall determine if it is in the public interest for the commission to provide appropriate performance-based financial or other incentives to encourage public utilities to acquire renewable energy supplies in amounts that exceed the requirements of the renewable portfolio standard."

SECTION 4. Section 62-16-5 NMSA 1978 (being Laws 2004, Chapter 65, Section 5, as amended) is amended to read:

"62-16-5. RENEWABLE ENERGY CERTIFICATES--COMMISSION DUTIES.--The commission shall establish:

A. a system of renewable energy certificates that can be used by a public utility to establish compliance with the renewable portfolio standard and that may include certificates that are monitored, accounted for or transferred by or through a regional system or trading program for any region in which a public utility is located [The kilowatt-hour
value of renewable energy certificates may be varied by renewable energy resource or technology; provided that each renewable energy certificate shall have a minimum value of one kilowatt-hour of renewable energy represented by the certificate for purposes of compliance with the renewable portfolio standard]; and

B. requirements and procedures concerning renewable energy certificates that include [the] provisions that:

(1) renewable energy certificates:

(a) are owned by the generator of the renewable energy unless: 1) the renewable energy certificates are transferred to the purchaser of the [energy] electricity through specific agreement with the generator; 2) the generator is a qualifying facility, as defined by the federal Public Utility Regulatory Policies Act of 1978, in which case the renewable energy certificates are owned by the public utility purchaser of the renewable energy [unless retained by the generator through specific agreement with the public utility purchaser of the energy]; or 3) a contract for the purchase of renewable energy is in effect prior to [January 1, 2004] July 1, 2019, in which case the renewable energy certificates are owned by the purchaser of the [energy] electricity for the term of such contract, unless otherwise agreed to in a public utility contract approved by the commission;

(b) may be traded, sold or otherwise
transferred by their owner [to any other party; provided that
the transfers and use of the certificate by a public utility
for compliance with the renewable energy portfolio standard
shall require the electric energy represented by the
certificate to be contracted for delivery, or consumed or
generated by an end-use customer of the public utility in New
Mexico unless the commission determines that there is a
national or regional market for exchanging renewable energy
certificates] unless the certificates are from a rate-based
public utility plant, in which case the entirety of the
renewable energy certificates from that plant shall be retired
by the utility on behalf of itself or its customers. Any
contract to purchase renewable energy entered into by a public
utility on or after July 1, 2019 shall include conveyance to
the purchasing utility of all renewable energy certificates,
and the entirety of those certificates shall be retired by that
utility on behalf of itself or its customers or subsequently
transferred to a retail customer for retirement under a
voluntary program for purchasing renewable energy approved by
the commission. A utility shall not claim that it is providing
renewable energy from generation resources for which it has
traded, sold or transferred the associated renewable energy
certificates;

(c) that are used for the purpose of
meeting the renewable portfolio standard shall be registered

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[beginning January 1, 2009] with a renewable energy generation information system that is designed to create and track ownership of renewable energy certificates and that, through the use of independently audited generation data, verifies the generation and delivery of electricity associated with each renewable energy certificate and protects against multiple counting of the same renewable energy certificate;

[(d)]—that are used once by a public utility to satisfy the renewable portfolio standard and are retired or that are traded, sold or otherwise transferred by the public utility shall not be further used by the public utility; and

(e)—that are not used by a public utility to satisfy the renewable portfolio standard or that are not traded, sold or otherwise transferred by the public utility] and

(d) may be carried forward for up to four years from the date of issuance [and, if not used by that time] to establish compliance with the renewable portfolio standard, after which they shall be deemed retired by the public utility; and

(2) a public utility shall be responsible for demonstrating that a renewable energy certificate used for compliance with the renewable portfolio standard is derived from eligible renewable energy resources [and has not been...
retired, traded, sold or otherwise transferred to another party]."

SECTION 5. Section 62-16-6 NMSA 1978 (being Laws 2004, Chapter 65, Section 6, as amended) is amended to read:

"62-16-6. COST RECOVERY FOR RENEWABLE ENERGY.--

A. A public utility that procures or generates renewable energy shall recover, through the rate-making process, the reasonable costs of complying with the renewable portfolio standard. Costs that are consistent with commission approval of procurement plans or transitional procurement plans shall be deemed to be reasonable.

B. The commission shall not exclude from such cost recovery reasonable interconnection and transmission costs incurred by the public utility in order to deliver renewable energy to retail New Mexico customers.

[C6. Upon a commission motion or application by a public utility, the commission shall open a docket to provide appropriate performance-based financial or other incentives to encourage public utilities to acquire renewable energy supplies that exceed the applicable annual renewable portfolio standard pursuant to the Renewable Energy Act. The commission shall initiate rules by June 1, 2008 to implement this subsection.]

SECTION 6. Section 62-16-7 NMSA 1978 (being Laws 2004, Chapter 65, Section 7) is amended to read:

"62-16-7. COMMISSION--ADDITIONAL POWERS AND DUTIES.--The
A. shall adopt rules regarding the renewable portfolio standard, including a provision for public utility records and reports; and

B. [may] shall require that a public utility offer its retail customers a voluntary program for purchasing renewable energy that is in addition to [energy] electricity provided by the public utility pursuant to the renewable portfolio standard, under rates and terms that are approved by the commission [and]

C. may exempt from compliance with the renewable portfolio standard a public utility that has an all-requirements electric supply contract on July 1, 2004, and the contract would not reasonably permit it to procure renewable energy for purposes of meeting the renewable portfolio standard. When the electricity supply contract is amended or renegotiated, the commission may require that a renewable portfolio standard become applicable]."

SECTION 7. Section 62-16-8 NMSA 1978 (being Laws 2004, Chapter 65, Section 8, as amended) is amended to read:

"62-16-8. RURAL ELECTRIC COOPERATIVE--VOLUNTARY TARIFFS.--

A. The commission may require that a rural electric cooperative:

(1) offer its retail customers a voluntary
program for purchasing renewable energy under rates and terms that are approved by the commission [but only to the extent that the cooperative's suppliers make renewable energy available under wholesale power contracts];

(2) report to the commission the demand for renewable energy pursuant to a voluntary program; and

(3) comply with the requirements for the procurement of renewable energy set forth in the Rural Electric Cooperative Act.

B. The commission may require that renewable energy purchased by a retail customer through an approved voluntary program:

(1) have all associated renewable energy credits retired by the customer or on that customer's behalf by the public utility and may not be utilized to meet the public utility's renewable portfolio standard requirements pursuant to Subsection A of Section 62-16-4 NMSA 1978;

(2) be excluded from the total retail sales to New Mexico customers used to determine the renewable portfolio standard requirements pursuant to Subsection A of Section 62-16-4 NMSA 1978; and

(3) reduce the energy sales to the customer that are subject to charges by the public utility for renewable energy to meet the renewable portfolio standard requirements.

\[B.\] C. The commission shall establish and amend
rules and regulations for the implementation of renewable
portfolio standards consistent with the Rural Electric
Cooperative Act."

SECTION 8. Section 62-16-9 NMSA 1978 (being Laws 2004,
Chapter 65, Section 9) is amended to read:

"62-16-9. EXISTING RULES.--The commission shall
[establish and amend] promulgate rules [and regulations for the
implementation of renewable portfolio standards consistent
with] to implement the provisions of the Renewable Energy Act."

SECTION 9. Section 62-16-10 NMSA 1978 (being Laws 2004,
Chapter 65, Section 10) is amended to read:

"62-16-10. FEDERAL REQUIREMENTS.--Renewable energy
procured or generated by a public utility to [meet] comply with
a federal [renewable portfolio standard] law, rule or
regulation may be used to satisfy the required procurements of
the Renewable Energy Act."

SECTION 10. A new section of the Renewable Energy Act is
enacted to read:

"[NEW MATERIAL] REQUIRING THE HIRING OF APPRENTICES FOR
THE CONSTRUCTION OF FACILITIES THAT PRODUCE OR PROVIDE
ELECTRICITY.--

A. The construction of New Mexico facilities that
produce or provide electricity for New Mexico retail customers,
and that are not located on the customer side of an electricity
meter, shall be subject to the requirements provided in
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Subsection B of this section if the facilities are built as a result of competitive solicitations issued after July 1, 2020.

B. Subject to availability of qualified applicants, the construction of facilities that produce or provide electricity for New Mexico retail customers shall employ apprentices from an apprenticeship program during the construction phase of a project at a minimum level of the following percentages of all persons employed for the project:

(1) ten percent for projects for which on-site construction commences beginning January 1, 2020, and prior to January 1, 2024;

(2) seventeen and one-half percent for projects for which on-site construction commences beginning January 1, 2024, and prior to January 1, 2026; and

(3) twenty-five percent for projects for which on-site construction commences beginning January 1, 2026.

C. Apprenticeship programs used for purposes of this section shall encourage diversity among participants, participation by those underrepresented in the industry associated with that apprenticeship program and participation from disadvantaged communities, as determined by the workforce solutions department. The department shall promulgate rules to ensure compliance with this section.

D. As used in this section, "apprenticeship program" means an apprenticeship program registered pursuant to .212526.1
the Apprenticeship Assistance Act."

SECTION 11. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2019.